

MEMORANDUM ENDORSED



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
DENVER REGIONAL OFFICE
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January 20, 2023

Honorable Gregory H. Woods
U.S. District Court for the
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

Re: *SEC v. Fernando Passos, 1:22-CV-03156-GHW*

Dear Judge Woods:

Pursuant to the Court's Order dated July 21, 2022, Doc. 11, Plaintiff United States Securities and Exchange Commission ("Commission" or "SEC") is providing an additional status report regarding service on Defendant Fernando Passos.

As stated in the SEC's June 15, 2022, request for adjournment of deadline and initial pretrial conference, and the SEC's July 21, 2022, status report, Mr. Passos is a resident of Brazil and the SEC is seeking to effect service on Mr. Passos through international channels permitted by Fed. R. Civ. P. 4(f).

As noted in the July 2022 status report, the website for the Hague Conference on Private International Law, <https://www.hcch.net/en/states/authorities/details3/?aid=1113>, indicates that service in Brazil through the Hague Convention can take nine to eighteen months. The SEC's Office of International Affairs ("OIA") has communicated with the Central Authority for Brazil ("Brazilian Central Authority") under the Hague Service Convention for Service Abroad of Judicial or Extrajudicial Documents in Civil or Commercial Matters ("Hague Convention") regarding the status of service of process on Mr. Passos. Following a request for a status update, on November 21, 2022, the Brazilian Central Authority informed OIA that the request for service remains pending with the Brazilian judiciary. On January 12, 2023, OIA made an additional inquiry to the Brazilian Central Authority regarding the status of service. As of the date of this letter, OIA has not received a response to this inquiry.

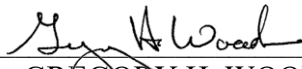
Sincerely,

/s/ Zachary T. Carlyle
Zachary T. Carlyle, Esq. (*pro hac vice*)
Counsel for Plaintiff United States
Securities and Exchange Commission

Plaintiff is ordered to submit an additional status report no later than July 23, 2023.

SO ORDERED.

Dated: January 24, 2023
New York, New York



GREGORY H. WOODS
United States District Judge